

BACKGROUND DOCUMENTS

of the 73rd ACER Administrative Board Meeting

27 – 28 May 2026

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Analysis of the European LNG market developments - 2026 Monitoring Report	3	Link
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EU Official journal - Vacancy notice for the function of Director of the Agency for the Cooperation of Energy Regulators	7	Link
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Below are the documents that are not available for download from ACER's website:

73rd MEETING
THE ADMINISTRATIVE BOARD
27-28 May 2026

Subject: Cover note - AMENDMENT OF THE 2026 ESTABLISHMENT PLAN AND BUDGET

Background:

Pursuant to Article 33 of Regulation (EU) 2019/942 (ACER Regulation) and Article 33 of Decision No 8/2019 of the Administrative Board on the Financial Regulation of the Agency (hereinafter 'the Financial Regulation'), the Administrative Board adopts the budget of the Agency, including the Establishment Plan setting out the number and grades of authorised posts.

Pursuant to Article 34 of the Financial Regulation, any amendment to the budget, including to the Establishment Plan, must be adopted by the same procedure as the initial budget. Article 38(1) allows the Administrative Board to modify the Establishment Plan by up to 10% of authorised posts, subject to the conditions that the volume of staff appropriations is not affected, the total number of posts is not exceeded, and the Agency has participated in a benchmarking exercise¹.

The budget of the European Union Agency for the Cooperation of Energy Regulators (hereinafter 'the Agency') for the financial year 2026, including the Establishment Plan, was adopted by the Administrative Board by Decision No 21/2025 of 12 December 2025.

The Establishment Plan as adopted for the financial year 2026 provides for 140 posts in total, distributed as follows: 115 Administrators (AD), 18 Assistants (AST) and 7 Assistants/Secretaries (AST/SC). Within the AST function group, the grades envisaged were: 1 post at AST 3, 8 posts at AST 4, 4 posts at AST 5 and 5 posts at AST 6. No posts at grades higher than AST 6 were envisaged.

To regularise the outcome of the 2026 reclassification exercise, two changes to the 2026 Establishment Plan are required:

- (1) One AST 6 post is to be upgraded to AST 7, in order to give effect to the promotion of a staff member who has fulfilled the conditions for promotion to grade AST 7 pursuant to Article 45 of the Staff Regulations. Since the current Establishment Plan contains no post at grade AST 7, a formal amendment is required.
- (2) One AST 6 post is to be downgraded to AST 5 in order to offset the budgetary impact of the upgrade referred to under (1) above.

Following these changes, the total number of authorised posts in the Establishment Plan remains unchanged at 140. Following the amendment, the AST grade distribution will be: 1 post at AST 3, 8 posts at AST 4, 5 posts at AST 5, 3 posts at AST 6 and 1 post at AST 7.

¹ The benchmarking of staff is a yearly process as part of Consolidated Annual Activity Reporting in which all agencies participate..

Action required: **The Administrative Board is invited to adopt the amending decision modifying the 2026 Establishment Plan annexed to Decision No 21/2025, as follows:**

- (a) decreasing by one the number of authorised posts at grade AST 6 and increasing by one the number of authorised posts at grade AST 7;**
- (b) decreasing by one the number of authorised posts at grade AST 6 and increasing by one the number of authorised posts at grade AST 5.**

73rd MEETING
THE ADMINISTRATIVE BOARD
27-28 May 2026

Subject: Cover note - ADMINISTRATIVE BOARD DECISIONS ON IMPLEMENTING PROVISIONS RECEIVED BY THE EUROPEAN COMMISSION

Background:

The Implementing Provisions giving effect to the EU Staff Regulations are drafted, revised and adopted by the European Commission. These rules apply to agencies by analogy unless a tailored version for agencies (called Model Decision) is envisaged.

According to Article 110(2) of the Staff Regulations, implementing rules shall apply by analogy to agencies nine months after their entry into force at the Commission, unless an opt-out is requested and granted, particularly in view of the drafting of Model Decisions.

In the name of legal certainty, agencies are invited to provide a decision adopting or opting out of implementing provisions. The competence for ACER lays with the Administrative Board.

On 18 November 2025, the Agency received a notification from the European Commission on the adoption of the following implementing provisions:

- Commission Decision C(2025) 7357 of 6.11.2025 on the general provisions for implementing Article 27 of the Staff Regulations (on the geographical composition of staff)

This Decision lays down rules on the assessment and the monitoring of the geographical composition of staff in the Commission, as well as on the application of appropriate measures to re-establish and maintain the geographical balance of staff in the Commission.

The Standing Working Party (SWP) has informed the agencies that in coordination with the Commission, a specific model decision adapted to agencies will be developed, which will better suit the needs of the agencies.

The Administrative Board is requested to opt-out from the Commission's rules, in light of an upcoming Model Decision.

Action required: *The Administrative Board is invited to adopt opt-out from Commission Decision C(2025) 7357 of 6.11.2025 on the general provisions for implementing Article 27 of the Staff Regulations (in view of model decision).*

73rd MEETING
THE ADMINISTRATIVE BOARD
27-28 May 2026

Subject: **ACER CONSOLIDATED ANNUAL ACTIVITY REPORT FOR THE YEAR 2025**

Background:

Each year the Agency shall prepare the Consolidated Annual Activity Report providing an overview of the activities of the Agency for the previous year. The Consolidated Annual Activity Report shall contain an independent section on the regulatory activities of the Agency and a section on financial and administrative matters.

On 22 April 2026 the Board of Regulators approved the independent section of the Consolidated Annual Activity Report on the regulatory activities of the Agency during the year considered.

The Administrative Board shall adopt and publish the Consolidated Annual Activity Report, on the basis of the draft annual report referred to in Article 19(1)(k) of the Agency's funding Regulation. The report shall be further transmitted to the European Parliament, the Council, the Commission, the European Court of Auditors, the European Economic and Social Committee and the Committee of the Regions by 1 July of each year.

The Consolidated Annual Activity Report is structured according to the template foreseen in the Communication from the Commission on the guidelines for programming document for decentralised agencies and the template for the Consolidated Annual Activity Report for decentralised agencies as revised in 2020.

Action required: **The Administrative Board is invited to adopt the Consolidated Annual Activity Report 2025.**

73rd MEETING
THE ADMINISTRATIVE BOARD
27-28 May 2026

Subject: Cover note - Opinion on the final accounts of the Agency for the Cooperation of Energy Regulators for the financial year 2025

Background:

In accordance with Article 35.4 of Regulation (EU) 2019/942 of 5 June 2019 and Article 102 of the Financial Regulation of the Agency, the Accounting Officer shall draw up the final accounts of the Agency upon receiving the observations on the provisional accounts from the European Court of Auditors.

The final accounts shall be sent by the Director to the Administrative Board for an opinion. The external auditors provided their opinion on the provisional accounts of the Agency on 27 March 2026.

The accounting officer of the European Union Agency for the Cooperation of Energy Regulators has certified that the annual accounts of the Agency for the year 2025 have been prepared in accordance with the Financial Regulation and the accounting rules applicable and declares that he has a reasonable assurance that the accounts present fairly, and in all material aspects, the financial position, the results of the operations and the cash-flow of the Agency.

The external audit firm, Grant Thornton, has audited the accounts of the Agency and expressed their opinion that these accounts present fairly, in all material aspects, the financial position of the Agency as at 31 December 2024, the results of its operations, its cash flow for the year 2025.

Action required: The Administrative Board is invited to adopt Opinion No XX/2026 on the final accounts of the Agency for the financial year 2025.